

REMARKS

In the Office Action mailed October 3, 2008, the Office noted that claims 17-33 were pending and rejected claims 17-33. Claims 17, 20, 27-29 and 31 have been amended, claims 18, 19, 24 and 32 have been canceled, and, thus, in view of the foregoing, claims 17, 20-23, 25-31 and 33 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 102

Claims 17-26, 32 and 33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lee, U.S. Patent No. 7,113,475. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Lee discusses an optical information storage medium where nominal recording speed information is recorded in a read-only zone, and maximum and minimum recordable speed information is recorded in a recordable zone of an area other than a user data area.

The Applicants have amended claim 17 to include the features of cancelled claims 18, 19, 24 and 31. Claims 27 and 31 have likewise been amended. The Applicants submit that no new matter has been added by the amendment of claims 17, 27 and 31.

On page 3 of the Office Action in reference to canceled claim 18, it is asserted that Lee, mark 35 of Figs. 3A and 3B,

disclose "recording speed information which indicates the recordable maximum speed for each of the plurality of recording layers is recorded in the management information area," as in amended claim 17.

However, nothing in the discussion of storing a recordable speed flag or a recordable speed code at byte position 35 indicates how this would be adapted to indicate a plurality of recordable speeds which respectively correspond to a plurality of recording layers. Thus, it is not clear whether or not the recordable speed flag/code indicates the plurality of recordable speed which respectively corresponds to the plurality of recording layers, and whether or not the recordable speed flag/code indicates one recordable speed common to the whole of plurality of recording layers. Thus, Lee does not disclose the instant feature of the claim.

On page 3, with reference to cancelled claim 19, it is again asserted that item 35 of Figs. 3A and 3B of Lee disclose "the recording condition information for each of the plurality of recording layers is recorded in the management information area, correspondingly to the recording speed information," as in amended claim 17.

However, Lee does not discuss a correspondence between the recordable speed flag/code and other information at all as Lee further does not disclose "the recording condition information includes strategy information," as in amended claim

17. More specifically, the Office asserts that this feature is disclosed in Lee, Fig. 1; disc test. The Office further asserts that the drive test and defect management is strategy information.

However, the disc test zone 30a and the drive test zone 30b in Fig. 1 of Lee are **not** strategy information, because these areas are used to calibrate the recording power of the laser light for recording. The defect management area 30d in Fig. 1 of Lee is not strategy information, because the defect management area 30d is used to manage the defect (for example, crack or the like) formed on the recording medium. Thus, Lee does not disclose strategy information.

On page 4 of the Office Action, with reference to cancelled claim 24, it is asserted that Lee discloses "the management information area is disposed nearer an inner circumference in a top layer out of the plurality of recording layers and includes a portion in which the recording condition information with respect to the plurality of recording layers is collectively recorded," as in amended claim 17.

However, as discussed above, Lee does not disclose the detailed description about the recording position of the recordable speed flag/code in the case of the multi-layered optical information storage.

For at least the reasons discussed above, claim 17 and the claims dependent therefrom are not anticipated by Lee.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 27-31 stand rejected under 35 U.S.C. § 103(a) as being obvious over Lee in view of Ito, U.S. Patent No. 7,184,377. The Applicants respectfully disagree and traverse the rejection with an argument.

The Applicants have likewise amended claims 27 and 31 in a manner consistent with the amendment to claim 17. Thus, for the reasons discussed above, as to claim 17, Lee and Ito, taken separately or in combination, fail to render obvious the features of claims 27 and 31 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 17, 20-23, 25-31 and 33 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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